



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1784 Entitled, "An Ordinance of the City Council of the City of Lodi Re-Classifying 220 Acres Located on the South Side of Harney Lane between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) from San Joaquin County AG-40 (Agriculture, General, Minimum 40 Acres) Zone to City of Lodi PD (Planned Development) Zone, Which Includes Designations Specific to Housing, Commercial, Office, and Public/Quasi-Public (Zone Change 06-Z-02)"

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1784.

BACKGROUND INFORMATION: Ordinance No. 1784 entitled, "An Ordinance of the City Council of the City of Lodi Re-Classifying 220 Acres Located on the South Side of Harney Lane between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) from San Joaquin County AG-40 (Agriculture, General, Minimum 40 Acres) Zone to City of Lodi PD (Planned Development) Zone, Which Includes Designations Specific to Housing, Commercial, Office, and Public/Quasi-Public (Zone Change 06-Z-02)" was introduced at the special City Council meeting of August 30, 2006.

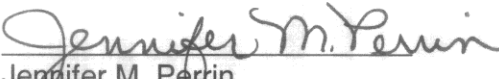
ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.


Jennifer M. Perrin
Interim City Clerk

JMP

Attachment

APPROVED: 

Blair King, City Manager

ORDINANCE NO. 1784

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
RE-CLASSIFYING 220 ACRES LOCATED ON THE SOUTH SIDE OF
HARNEY LANE BETWEEN STATE HIGHWAY 99 AND THE UNION PACIFIC
RAILROAD TO THE WEST (REYNOLDS RANCH) FROM SAN JOAQUIN
COUNTY AG-40 (AGRICULTURE, GENERAL, MINIMUM 40 ACRES) ZONE
TO CITY OF LODI PD (PLANNED DEVELOPMENT) ZONE WHICH
INCLUDES DESIGNATIONS SPECIFIC TO HOUSING, COMMERCIAL,
OFFICE, AND PUBLIC/QUASI-PUBLIC (ZONE CHANGE 06-Z-02)

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. The properties subject to this zoning reclassification include the following:

220 acres located on the south side of Harney Lane between State Highway 99 and the Union Pacific Railroad (UPRR) to the west – Assessors Parcel Numbers 058-110-04, 058-110-05, 058-110-41, 058-130-02, 058-130-03, 058-130-05, 058-130-06, 058-130-07, 058-130-08, 058-130-09, 058-130-11, 058-130-15, 058-130-16, 058-130-17, 058-130-19, 058-130-21, 058-130-22, 058-130-24, 058-130-04, 058-130-10, 058-130-14, and 058-130-18.

SECTION 2. The applicant for the requested zoning reclassification is as follows:

San Joaquin Valley Land Company LLC.

SECTION 3. The requested zoning reclassification consists of the following:

Re-classification of the afore-described properties from San Joaquin County AG-40 (Agriculture, General, Minimum 40 Acres) Zone to City of Lodi Planned Development (PD) Zone. (Exhibit 1).

SECTION 4. The Planned Development (PD) Zone designation for the project area is described as follows:

Planned Development (PD) Zone

The planned development district is designed to accommodate various types of development such as neighborhood and community shopping centers, grouped professional and administrative office areas, senior citizens' centers, multiple housing developments, commercial service centers, industrial parks or any other use or combination of uses which can be made appropriately a part of a planned development. In a P-D zone, any and all uses are permitted; provided, that such use or uses are shown on the development plan for the particular P-D zone as approved by the City Council. The residential density within the Planned Residential Low Density zoning area shall not exceed seven units per gross acre. Planned Residential Low Density shall be calculated based on acreage designated Planned Residential Low Density and related zone necessary to support the Planned Residential Low Density including parks, open space, detention basins and streets. High Density Residential shall be between 20 and 30 units per gross acre. Maximum height and bulk, and

minimum setback, yard and parking and loading requirements shall be established for each P-D zone by the development plan as approved by the City Council. These development parameters would be consistent with the General Plan designation for the sites.

Section 5. Based upon the evidence within the staff report and project file the City Council of the City of Lodi hereby determines the following:

1. An Environmental Impact Report (06-EIR-01) for this project was certified by City Council Resolution No. 2006-162.
2. The required public hearing by the City Council was duly advertised and held in a manner prescribed by law.
3. It is found that the requested rezoning does not conflict with adopted plans or policies of the General Plan and will serve sound Planning practice.
4. It is further found that the parcels of the proposed rezoning are physically suitable for the development of the proposed project.
5. The proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adopted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
6. The size, shape and topography of the site is physically suitable for the mixed-use development proposed in that the site is generally flat and is not within an identified natural hazard area.
7. The site is suitable for the density proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
8. The design of the proposed project and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat. Potential biological-related environmental impacts identified in the EIR would not be significant because mitigation measures have been incorporated into the project to reduce any impacts to a level of less than significant.
9. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the Uniform Building Code.
10. The design of the proposed project and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed project in that, as conditioned, the project will provide dedication of adequate right-of-ways for Harney Lane, and other circulation and roadway improvements required to serve the project.
11. The project is conditioned to construct improvements to Harney Lane and other existing streets, create new streets, install new and upgrade existing intersections, and provide improved access to and from State Route 99, thereby insuring that an adequate Level of Service is maintained on the roadways within the area.

12. The loss of Prime Farmland located within the project area will be mitigated through either: (a) the identification of agricultural acreage located in close proximity to the project site to be maintained in perpetuity as agricultural use; or (b) the payment of an Agricultural Land Mitigation fee to the City of Lodi and/or the Central Valley Land Trust (Central Valley Program) or other equivalent entity. The Lodi City Council, within its legislative capacity and as a matter of policy, shall determine the sufficiency of any fees paid to mitigate the loss of Prime Farmland.
13. Development of the proposed project shall be consistent with the Development Plan approved by the City Council

SECTION 6. All conditions of approval of this reclassification are included as Attachment A.

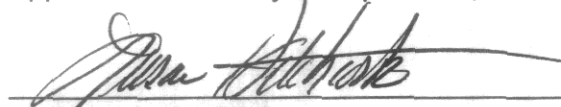
SECTION 7. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 8. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 9. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 10. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this 6th day of September, 2006



SUSAN HITCHCOCK
Mayor

Attest:



JENNIFER M. PERRIN
Interim City Clerk

=====

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Interim City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1784 was introduced at a special meeting of the City Council of the City of Lodi held August 30, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held September 6, 2006, by the following vote:

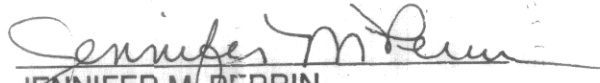
AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson,
and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1784 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:


D. STEPHEN SCHWABAUER
City Attorney

ATTACHMENT A

CONDITIONS OF APPROVAL ZONE CHANGE 06-Z-02

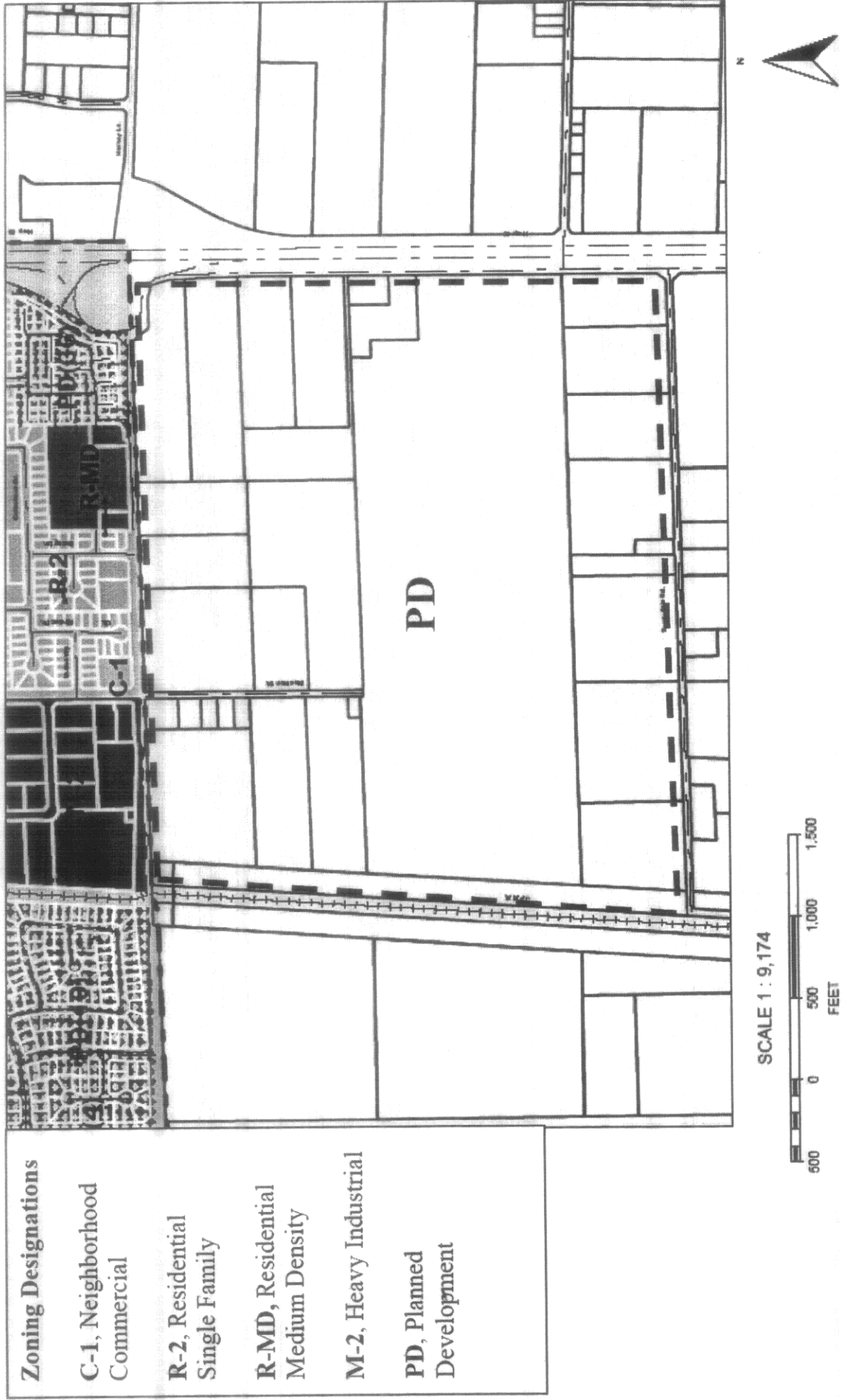
1. Prior to the issuance of a building permit the multi-family, office, and retail components of the project shall be subject to review and approval by the Site Plan and Architectural Review Committee.
2. Prior to issuance of a building permit for the Blue Shield office building the applicant shall seek to obtain LEED Certification for their office building on the 20-acre parcel.
3. Prior to the issuance of any residential building permit the applicant shall achieve a minimum of 50 points, as verified by a GreenPoint Rater, in accordance with GreenPoint Rated program procedures.
4. The Developer shall strive to incorporate New Urbanist principles as dictated by the Congress of New Urbanism into the overall design and construction of the Reynolds Ranch Project prior to issuance of Tentative Map by incorporating the following thirteen (13) elements into their project specific development, to the satisfaction of the Community Development Director. Said principles are as follows:
 - A. The neighborhood has a discernible center. This is often a square or a green and sometimes a busy or memorable street corner. A transit stop would be located at this center.
 - B. Most of the dwellings are within a five-minute walk of the center, an average of roughly 2,000 feet.
 - C. There are a variety of dwelling types — usually houses, rowhouses and apartments — so that younger and older people, singles and families, the poor and the wealthy may find places to live.
 - D. At the edge of the neighborhood, there are shops and offices of sufficiently varied types to supply the weekly needs of a household.
 - E. A small ancillary building is permitted within the backyard of each house. It may be used as a rental unit or place to work (e.g., office or craft workshop).
 - F. An elementary school is close enough so that most children can walk from their home.
 - G. There are small playgrounds accessible to every dwelling -- not more than a tenth of a mile away.
 - H. Streets within the neighborhood form a connected network, which disperses traffic by providing a variety of pedestrian and vehicular routes to any destination.
 - I. The streets are relatively narrow and shaded by rows of trees. This slows traffic, creating an environment suitable for pedestrians and bicycles.

- J. Buildings in the neighborhood center are placed close to the street, creating a well-defined outdoor room.
 - K. Parking lots and garage doors rarely front the street. Parking is relegated to the rear of buildings, usually accessed by alleys.
 - L. Certain prominent sites at the termination of street vistas or in the neighborhood center are reserved for civic buildings. These provide sites for community meetings, education, and religious or cultural activities.
 - M. The neighborhood is organized to be self-governing. A formal association debates and decides matters of maintenance, security, and physical change. Taxation is the responsibility of the larger community
5. The conditions of approval listed below are to be accomplished prior to deeming complete the first Tentative Subdivision Map, unless noted otherwise:
- A. Preparation of detailed master plans and supporting studies as listed below, including engineering calculations, for all phases of the development. The study area shall include all the area between Harney Lane, State Route 99 and Lower Sacramento Road or the Woodbridge Irrigation District canal as appropriate. (The required master plans and supporting studies are necessary to confirm the design of the proposed development and may affect the number of growth management allocations that can ultimately be utilized. The Developer agrees that the proposed project layout and number of growth management allocations approved may be subject to revision based on the results of the completed master plans and studies, the development or growth management plan and accompanying growth management allocations may be approved prior to completion and approval of the master plans and supporting studies.)
 - 1. Water master plan, including the following:
 - a. Surface water transmission and distribution facilities.
 - b. Identification of possible water well sites within the project area. Developer shall coordinate test well drilling for determination of actual well sites prior to mapping of adjacent lots.
 - 2. Recycled water master plan, including the following:
 - a. Identification of areas to be irrigated.
 - b. Detailed summary of demand calculations. Include development south of Harney Lane demands in calculations.
 - c. Detailed summary of pipe sizing calculations.
 - d. Provisions for future westerly extension.
 - 3. Wastewater master plan.
 - 4. Storm drainage master plan, including storm drainage basin dimensions and details. Retention basins shall be designed as passive bypass systems. Identify a single-facility designate to receive low flow and first flush flows.
 - 5. Streets/circulation plan, including the following:
 - a. Dimensions of street rights-of-way, including Harney Lane, Road "A", State Route 99 Frontage, and other circulation and roadway improvements, bike/pedestrian/open space facilities and utility corridors.
 - b. Traffic analysis of operations at critical intersections to determine if supplemental right-of-way is required.

- c. Typical cross-section diagrams showing proposed utility locations and demonstrating that sufficient width has been provided to meet separation requirements between pipes.
 6. Transit study to identify new or modified routes to serve the area.
 7. Topography and/or spot elevations for the entire study area to confirm validity of water, wastewater and storm drain master plans.
 8. Composite utility diagram to facilitate review of potential utility crossing conflicts.
 9. Modification of the Lodi Bicycle Transportation Master Plan to include the project area. All modifications to the bicycle master plan shall be to the approval of the Public Works Department and Parks and Recreation Department.
- B. Phasing analysis to be approved by the City prior to submittal of the first tentative map. The analysis shall include the following:
1. Phase boundaries and number of units to be constructed with each phase.
 2. Permanent and interim/temporary facilities required to implement each phase based on the mitigation monitoring program and the above mentioned master plans.
 3. Master utility calculations for permanent and interim/temporary facilities to be constructed with each phase.
6. Finance and Implementation Plan to identify funding for the required public improvements and interim/temporary improvements for each phase of the project. The Finance and Implementation Plan is dependent on the above mentioned master plans and phasing analysis and shall be approved by the City prior to submittal of the first tentative map.
 7. All mitigation measures for the project, identified in the Final Environmental Impact Report (FEIR), are hereby incorporated into this recommendation of approval.
 8. Prior to the development of the Reynolds Ranch Project, the applicant/developer shall file for a tentative subdivision map. Review and approval of the tentative subdivision map is a discretionary action and additional conditions of approval may be placed on the project at that time.
 9. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project.
 10. Prior to submittal of building permits, the applicant shall submit construction elevations, perspective elevations, precise landscape and irrigation plans, as well as building materials for the review and approval of the Community Development Director. Said plans shall indicate that all corner lots shall have architectural treatments on both street facing elevations.
 11. Prior to submittal of building permits, the applicant shall submit a walls and fencing plan. Said plan shall show all proposed walls and fencing. Fencing visible to the public right of way shall be constructed of treated wood or alternative material to prevent premature deterioration. Furthermore, all fencing within the project site shall be designed with steel posts, or a functional equivalent, to prevent premature deterioration and collapse.
 12. Any proposed public lanes shall incorporate stamped concrete, pavers or an equivalent subject to approval by the Public Works Department and Community Development Department.

13. The proposed project shall be subject to the San Joaquin County Air Pollution Control District Rules.
14. The proposed project should incorporate as many energy conserving and emission reducing features as possible, as outlined in correspondence from San Joaquin County Air Pollution Control District, dated January 13, 2006 and kept on file in the Community Development Department.
15. Prior to submittal of any further plan check or within 90 days of the approval of this project, whichever occurs first, the applicant shall sign a notarized affidavit stating that "I(we), _____, the owner(s) or the owner's representative have read, understand, and agree to the conditions approving 06-Z-02." Immediately following this statement will appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the City Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.

EXHIBIT 1



L-2 # L-3

Jennifer Perrin

From: Jennifer Perrin
Sent: Wednesday, September 06, 2006 11:12 AM
To: 'Kathy Haring'; Susan Hitchcock; Bob Johnson; JoAnne Mounce; John Beckman; Larry Hansen
Cc: Blair King; Jim Krueger; Steve Schwabauer; Randy Hatch
Subject: RE: Tonight's adoption of Reynolds Ranch ordinance

Dear Ms. Haring:

This reply is to confirm that your message was received by the City Clerk's Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development.

/s/ Jennifer M. Perrin, Interim City Clerk

-----Original Message-----

From: Kathy Haring [mailto:KHaring@GHSD.K12.ca.us]
Sent: Wednesday, September 06, 2006 11:08 AM
To: Jennifer Perrin; Susan Hitchcock; Bob Johnson; JoAnne Mounce; John Beckman; Larry Hansen
Subject: Tonight's adoption of Reynolds Ranch ordinance

Dear Mayor and Council Members:

Please consider amending the Reynolds Ranch ordinance before adopting it in its entirety at tonight's meeting.

The Council approved the acceptance of the Development Plan at its last meeting to:

- annex the land into the city limits
- rezone the land as Planned Development
- accept the terms worked out to prevent a citizens' group lawsuit

I do not believe the Council wished to exempt this developer from the Growth Management Allocation process.

However, the development plan does just this as written.

It gives San Joaquin Land Company 350 allocations IMMEDIATELY, despite the allocation process began this May. City staff do not foresee other applicants receiving their allocations until December. It is unknown to me whether Gillespie's company even complied with the need to apply for allocations by May 31. If they are not part of this year's process, they should be waiting until 2007 to apply for residential construction.

The drafted ordinance also guarantees the company at least 73 allocations a year for the next eight years. Current practice allows developers to stagger development over three years. Surely, the Council wants to revisit the allocations three years from now, to ascertain if the Reynolds Ranch development is succeeding as intended.

Seven applicants followed the process outlined in the General Plan and Zoning Ordinance to apply in good faith for allocations. This process was then interrupted for two months, while staff investigated old language affecting the timeline. As one of those applicants, I asked why my project could not receive allocations unused in prior years, and therefore held in reserve (I only needed 5 allocations). I was told by the senior planner that this was "impossible." Imagine my shock when 350 reserve allocations were given to Reynolds Ranch, without any regard to the Growth Management process!!

I do not believe an amendment to the ordinance directing Reynolds Ranch to go through the growth management allocation process, would be a "deal killer." Phase I requires the building of the Blue

Shield office and 350 homes. The homes could be built after December, when all applicants will receive their allocations simultaneously.

By exempting one company from published and required procedures, the council would give an unfair advantage to that company in the real estate market place. Such an action would probably be illegal.

Kathy Haring
552 Kirst Dr.
Woodbridge, CA 95258
(209) 369-3344